

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATREASURY CORP.,	§	
<i>Plaintiff</i>	§	CIVIL ACTION NO.
	§	2:04-CV-85
vs.	§	Hon. David J. Folsom
	§	
SMALL VALUE PAYMENTS	§	
COMPANY	§	
<i>Defendant</i>	§	

CLAIMS CONSTRUCTION REPORT AND PREHEARING STATEMENT

In accordance with the Agreed Docket Control Order dated July 25, 2005, and Patent Local Rule 4-3, counsel for Plaintiff DataTreasury Corporation makes the following statement.

DataTreasury proposes use of all the terms construed by the Court's Markman Order entered on February 28, 2005 adopting Magistrate Craven's Report & Recommendation entered on November 2, 2004. A copy of the Order and Report are attached at Exhibit A and B, respectively. The only term DataTreasury seeks the Court to construe is the term "Image." Parties are not in agreement as to the construction of this term. However, Plaintiff represents they will attempt to work together to reach a construction supported by the law and agreed upon by both Parties. At this time, Plaintiff's proposes the following definition for the term "Image": *An optically or electronically formed representative reproduction of an object, for example, an optical reproduction formed by a lens or mirror or an electrophotical device such as a charge-coupled device (CCD), or other optical system.* Plaintiff may rely upon the dictionary

definition of the term “image” in Webster’s Third New International Dictionary, attached as Exhibit C.

Furthermore, DataTreasury represents they will attempt to work with Defendant to reach a construction supported by the law and agreed upon by both Parties on as many terms as possible.

Professor John Hiles may testify as to the construction of this term based on a person skilled in the arts understanding of the intrinsic evidence.

Respectfully submitted,



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CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing document has been served electronically on all counsel of record for SVPCo on this 20th day of January, 2006:

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A handwritten signature in black ink, appearing to be "Steve Belisle", written over a horizontal line.